

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

ERGUN M. CANER,

*Plaintiff,*

v.

JONATHAN AUTRY,

*Defendant.*

CASE NO. 6:14-cv-00004

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant Jonathan Autry's Motion to Dismiss the Amended Complaint for Failure to State a Claim, or in the Alternative, for Summary Judgment ("Motion") (docket no. 28). For the reasons stated in the accompanying memorandum opinion, I have CONSIDERED Defendant's Motion (docket no. 28) as a Motion for summary judgment, and it is hereby ORDERED that the Motion is GRANTED. I DENY Defendant's Second Motion to Supplement the Record (docket no. 63), and I will not consider his motion for attorney's fees and costs at this time.

It is so ORDERED.

Entered this 14th day of May 2014.

  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE